

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MAXIM INTEGRATED PRODUCTS, INC., Civil Action No. 12-244

BRANCH BANKING AND TRUST COMPANY, Civil Action No. 12-945

Plaintiff,

vs.

MAXIM INTEGRATED PRODUCTS, INC.,

Defendant.

and

MAXIM INTEGRATED PRODUCTS, INC.,

Counter Claimant,

vs.

BRANCH BANKING AND TRUST COMPANY,

Counter Defendant.

Transcript of TELEPHONE CONFERENCE held on May 5, 2015,
in the United States District Court, 700 Grant Street,
Pittsburgh, Pennsylvania, before The Hon. Joy Flowers Conti,
Chief Judge, United States District Court

APPEARANCES:

For Maxim Integrated Products: Leland P. Schermer, Esq.
Bryan A. Loose, Esq.
Matthew D. Powers, Esq.
William P. Nelson, Esq.

For Branch Banking & Trust Co.: James R. Myers, Esq.
Leslie M. Spencer, Esq.
Kirsten R. Rydstrom, Esq.

Court Reporter: Deborah Rowe, RMR, CRR
700 Grant Street, Ste. 5300
Pittsburgh, PA 15219

P R O C E E D I N G S

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(5:05 p.m.; teleconference proceedings as follows:)

THE COURT: Good afternoon, everyone. This is Judge Conti. This is a scheduling conference in the Maxim MDL, which is at Miscellaneous No. 12-244. And we have one party left, which is Branch Banking & Trust Company, which is a Plaintiff and Counter Defendant, versus Maxim Integrated Products, and that's at Case No. 12-945.

There has been some other activity before the multi-district litigation panel, but I believe every one of those to my knowledge has been opposed. And so there will be briefing and then ultimately a decision. But regardless of what happens with those cases, we're going to press forward with this case, and that means we're at the expert discovery phase.

And so this is the agenda that the Court would propose with respect to that. It's the Court's understanding that there are a number of experts, and it's expected that there will be objections to a number of the experts. So there should be one motion filed for each expert that's being challenged, and then there would be a separate response to that motion.

So there could be five, ten motions. I don't see that there would be a problem with keeping within the page

1 limits if we do it on an expert-by-expert basis. So for each
2 expert there should be one motion if that expert is being
3 challenged, and then there will be a response to that
4 challenge. And those would all be within the page limits
5 that the Court regularly requires.

6 The objections to the expert reports should be due
7 on June 2. That gives you about 30 days. Then the responses
8 would be due on June 30, and the Court would like to have a
9 hearing here on July 29. We'll begin at 9:30 in the morning,
10 and we would have the day until 3:30 to have all the
11 arguments on that.

12 I would like to hear from anyone who wishes to make
13 a comment about that scheduling if that's a problem.

14 MR. POWERS: Your Honor, Matt Powers for Maxim. I
15 have a summary judgment hearing in Delaware on July 29. I
16 could do it on July 30.

17 THE COURT: That would be fine for me. It would be
18 fine for me. By the way, I'm sorry I neglected to have
19 everyone enter your appearance.

20 MR. POWERS: Thank you. Matt Powers and William
21 Nelson for Maxim.

22 MR. SCHERMER: Leland Schermer and Brian Loose for
23 Maxim.

24 MR. MYERS: This is James Meyers and Leslie Spencer
25 from Ropes & Gray; and Kirsten, you're on as well.

1 MS. RYDSTROM: Kirsten Rydstrom for BB&T.

2 THE COURT: Anyone else on the line?

3 Okay. Well, is BB&T counsel, are you acceptable
4 with July 30 at 9:30 in the morning?

5 MR. MYERS: Yes, Your Honor.

6 THE COURT: Okay. So any other comments about the
7 schedule? Is there anything else that anyone needs to bring
8 to my attention?

9 Okay. Well, then I'll await the Daubert motions.
10 So if anyone is going to challenge an expert, that challenge
11 must be filed by June 2. Responses to any challenge will be
12 filed no later than June 30, and then there will be a hearing
13 on the challenges scheduled for July 30 at 9:30 here. Okay?

14 Anything else? Well, I hope everyone has a good
15 evening, and I'll see you in July. Thank you all.

16 MR. POWERS: Thank you, Your Honor.

17 MR. MYERS: Thank you, Your Honor.

18 (Proceedings were concluded at 5:16 p.m.)

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20 C E R T I F I C A T E

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22 I, Deborah Rowe, certify that the foregoing is
23 a correct transcript from the record of proceedings in the
24 above-titled matter.

24

25 S/Deborah Rowe _____
Certified Realtime Reporter